

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
Big Ideas, LLC)	
)	License No. N/A
)	Order No. 2010-598
<i>Request for an Advisory Opinion</i>)	
at premises)	
1660 International Drive, Suite 400)	
McLean, VA 22102)	

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ALSO PRESENT: John Bird, Representing Big Ideas, LLC

ADVISORY OPINION AND ORDER

Pursuant to 23 DCMR § 1902 (2008), Big Ideas, LLC, located at premises 1660 International Drive, Suite 400, McLean, VA, requests an Advisory Opinion from the Alcoholic Beverage Control Board (Board) regarding whether its proposal to sell and deliver alcoholic beverages to District of Columbia Wholesalers and consumers solely through the Internet complies with Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations.

In issuing this opinion, the Board has relied solely on the facts and information received from Big Ideas, LLC, on October 31, 2010, and acknowledged by the Board in this opinion. Big Ideas, LLC, presents the following questions:

- (I) Whether a Federal Import License is sufficient to do business as an international importer of alcoholic beverages in the District of Columbia (I-A);
- (2) Whether Big Ideas, LLC, can sell alcohol manufactured outside the District of Columbia to consumers without a liquor license through the Internet (I-B);

- (3) Whether Big Ideas, LLC, can operate as a Inter/National Partnership Broker; whereby, the business gives away samples of alcoholic beverages to District of Columbia Wholesalers (I-C);
- (4) Whether Big Ideas, LLC, as an internet retailer of alcoholic beverages, can obtain a storage permit to store its products in the District of Columbia before they are delivered to Wholesalers and consumers (II);
- (5) What class of ABC License should Big Ideas, LLC, consider applying for (III); and
- (6) Whether Big Ideas, LLC, customers can retrieve their orders from common international or national shipper's storefront locations? (IV).

FINDINGS OF FACT

1. Big Ideas, LLC, only raises questions of law, which require no findings of fact by the Board.

CONCLUSIONS OF LAW

2. The Board provides the following answers to the legal questions raised by Big Bear, LLC.
3. In response to (1), Big Ideas, LLC, does not require any further permit or license to sell alcoholic beverages to Wholesalers so long as it is the primary American source of such beverages. The District of Columbia requires that Wholesalers only purchase and sell alcohol from the primary American source, which is defined as "the manufacturer, distiller, rectifier, vintner or importer of the brand of alcoholic beverages at the time that the beverage became a marketable product in the United States, or its duly authorized agent." *See* 23 DCMR § 900 (2008); 23 DCMR § 199 (2008). As such, Big Ideas, LLC, does not require any license or permit from the Board so long as it is the importer or manufacturer of the product at the time it became marketable in the United States.
In regards to consumers, any entity may deliver up to one case of alcoholic beverages per resident, per month, without an ABC license. D.C. Code § 25-772(a)-(b) (2008). If Big Ideas, LLC, seeks to deliver larger shipments of alcoholic beverages it must obtain an appropriate license or permit.
4. In response to (2), even though Internet operations are not specifically referenced by the ABC laws, the Board currently interprets its statutes and regulations to allow Internet operations by Licensees so long as they do not violate any applicable ABC laws.
5. In response to (3), in order to give away samples to Wholesalers, Big Ideas, LLC, should obtain a Solicitor's License. "A solicitor's license shall authorize the licensee to sell any alcoholic beverage on behalf of the vendor whose name appears upon the license and whom the solicitor represents. D.C. Code § 25-116 (2001). Furthermore, "a

solicitor's license shall allow the licensee to transport samples to and from licensed establishments." § 25-116.

6. In response to (4), an ABC Licensee that operates solely through the Internet may store beverages so long as they are licensed and have the proper permit. Section 205.1 states:

A storage facility permit shall allow the holder to establish a bonded warehouse in the District of Columbia for the storage of alcoholic beverages by the holder of a Manufacturer's license, Wholesaler's license, Retailer's license Class A, Class C, Class D, or a Caterer's license who possesses an off-premises storage permit or for the accounts of other persons. 23 DCMR § 205.1 (2008).



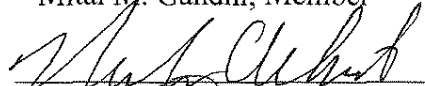


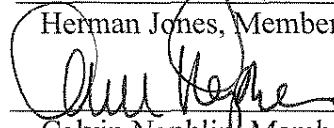
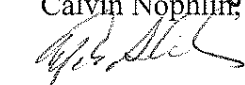
7. In response to (5), the Board cannot advise Big Ideas, LLC, on the type of license that it should obtain. However, Big Ideas, LLC, may want to consider the benefits obtaining a Solicitor's License, which allows it to transport samples to Licensees, and, perhaps, a Wholesaler's License, which allows an entity to sell alcoholic beverages to ABC Licensees and beer and wine to the consumer. *See* D.C. Code §§ 25-111, 25-116. Big Ideas, LLC, should also consider the fact that it can sell to District of Columbia Wholesalers without an ABC License so long as it is the primary American source and is entitled to deliver up to one case of alcoholic beverages per resident, per month. *See supra*, para. 3.

8. In response to (6), nothing in the ABC laws prevents customers from retrieving their shipments of alcoholic beverages directly from the shipper's storefront locations in the District of Columbia. Please note that Big Ideas, LLC, would be held liable for any violations of the ABC laws or the terms and conditions of the license under which Big Ideas, LLC, is operating under (i.e., unlawful sale to minor, delivering or selling after approved or lawful hours, etc...).

ORDER

Accordingly, it is this 8th day of December 2010, **ORDERED** that the above represents the **ADVISORY OPINION** of the Board pursuant 23 DCMR § 1902 (2008).

District of Columbia
Alcoholic Beverage Control Board


Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
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